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# Ysgol Bryn Alyn Managing Attendance Policy and Procedures

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1.0	New school model policy	2005	2005
2.0	Full Review – based on Corporate policy approved 6/9/2011	May 2013	June 2013

<b>CONTENTS</b>
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<b>Section</b>	<b>1.0</b>	<b>Purpose</b>
	<b>2.0</b>	<b>Scope</b>
	<b>3.0</b>	<b>Policy Principles</b>
	<b>4.0</b>	<b>Procedures</b>
	<b>4.1</b>	<b>Introduction</b>
	<b>4.2</b>	<b>Reporting Absence</b>
	<b>4.3</b>	<b>The Role of the Occupational Health Service</b>
	<b>4.4</b>	<b>Fitness for Work</b>
	<b>4.5</b>	<b>Return to Work Meetings</b>
	<b>4.6</b>	<b>Managing Attendance at Work</b>
	<b>4.7</b>	<b>Short-term, Persistent or Frequent Absence</b>
	<b>4.8</b>	<b>Long-term Absence</b>
	<b>4.9</b>	<b>Attendance Review Meetings</b>
	<b>4.10</b>	<b>Phased Return to Work</b>
	<b>4.11</b>	<b>Managing Long-term Relating to Disability</b>
	<b>4.12</b>	<b>Incapacity and ill-health Early Retirement</b>
	<b>4.13</b>	<b>Absence for other reasons</b>
	<b>4.14</b>	<b>Redeployment – medical reasons</b>
	<b>5.0</b>	<b>Responsibilities</b>
	<b>6.0</b>	<b>Records</b>
	<b>7.0</b>	<b>Monitoring &amp; Review</b>
	<b>8.0</b>	<b>Training &amp; Support</b>
	<b>8.1</b>	<b>Associated Policies</b>
	<b>9.0</b>	<b>Regulations</b>

## **Appendix 1 - Procedure for application of the Education (Health Standards) (Wales) Regulations 2004**

### **Supporting Documentation:**

[Managing Attendance – A Guidance diagram](#)

[Guidance on Fit Notes](#)

[A School Guide to Managing Short-term Absence Flowchart](#)

[A School Guide to Managing Long-term Absence Flowchart](#)

## **1. Purpose**

The Governing Body is committed to providing the best education provision possible to the learners in their school. To achieve this, the Governing Body relies on a skilled and motivated workforce encouraging a culture of full attendance.

This policy explains the approach that has been adopted by the Governing Body in managing attendance at work; describes how the School will support employees in achieving and maintaining a good attendance record and how it will continue to support employees if attendance at work is affected by illness or disability.

Absence from work will be managed and this policy sets out the actions to be taken if employee attendance falls below the level that is required.

## **2. Scope**

This policy applies to all employees who are employed by the Governing Body e.g. salaries are charged directly to the School's budget, this includes full-time, part-time, permanent and temporary employees)

This policy applies to all such employees (whilst in work or organised work-related events regardless of the fact that these may be held outside the School's/Council's premises and in employees own time).

## **3. Principles**

**3.1** The principle of this policy is to support employees experiencing ill health, whilst managing and dealing with unjustified and/or high levels of non-attendance.

The Council's HR Service will review the policy and procedure periodically to make any amendment(s) necessary to reflect any changing legal requirements or make minor alterations.

### **3.2 The Governing Body is responsible for:**

- Adoption of a policy and procedure to meet its health and safety responsibilities as regards their employees.
- Any arrangements associated with the coordination and governance of Governor committees and taking decisions on dismissing staff on attendance grounds and appeals against such decisions.

### **3.3 Headteachers/or designated Managers are responsible for:**

- Ensuring new employees have met pre-employment checks and are fit to carry out their jobs
- Monitoring attendance and control of absence
- Promoting and taking steps to ensure that employees have a reasonable work life balance
- Creating a culture where employees know that attendance matters
- Recognising early signs of potential absences or of patterns of absence and offering support in a fair, reasonable and sensitive manner
- Maintaining regular contact with the employee during sickness absence

- Carrying out the Managing Attendance procedure
- Referring employees to Occupational Health
- Compliance with absence reporting requirements
- Conducting Health and Safety risk assessments, as appropriate, particularly following long term absence or during pregnancy and after maternity leave.
- Making reasonable adjustments to an individual's job or workplace to help them to return to or remain at work, particularly in accordance with any identified disability.

### **3.4 The Human Resources team are available to:**

- Provide advice and guidance to Schools on procedural and policy matters on the application of their policy.
- Provide guidance to Schools/Managers on the referral process so they can refer employees for further help or assistance where necessary.
- Advise governor panels and governor appeal panels where sufficient notice to attend is given.

### **3.5 Employees are responsible for:**

- Ensuring, to the best of their ability, that they are available for work when required under their contract of employment. It is recognised that on occasion an employee may be unable to attend work due to illness.
- Following the correct reporting procedures as detailed in this policy.
- Maintaining regular contact with their Headteacher or the designated Manager during sickness absence.

### **3.6 The Trade Unions have a responsibility to:**

- Support and advise their members at work.
- Advise members of their responsibilities regarding the policy.

### **3.7 Equality Act 2010**

Consideration when managing absence must be given to the Equality Act 2010. This defines a disabled person as someone who has a physical or mental impairment that has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities. Long-term means that the effect of the impairment has lasted or is likely to last for at least **twelve** months.

Where an employee has a disability or medical condition that is considered under the Equality Act 2010, the Headteacher/Manager will ensure that reasonable adjustments are made to help such employees carry out their job, and to have the same opportunities to perform well and develop during their employment as any other employee.

Whilst all absences should be recorded, the Headteacher/Manager should consider reasonable adjustments when deciding on further action if absence recorded relates to a disability. A reasonable adjustment may include not taking action or not escalating to an Attendance Review Meeting, when it would normally occur, due to the fact some of the absence is disability related.

The principles set out in this policy aim to provide clear guidance and triggers to enable Headteachers/Managers to apply a fair and consistent approach to unacceptable levels of absence.

Headteacher/Managers and employees must comply with absence reporting procedures.

This policy also provides a framework to ensure:

- Employees are supported in their place of work
- Employees are treated fairly and compassionately and fully consulted prior to any action being taken;
- Information received during the application of the “Managing Attendance Procedure” is treated confidentially;
- The School/Council promotes the health, safety and wellbeing of all employees;
- High standards in health and safety are vigorously maintained;
- Commitment to health promotion and referral to Occupational Health where appropriate;
- Headteachers/Managers deal firmly with cases where abuse of the sick pay scheme is established.

## **4. Procedure**

### **4.1 Introduction**

In order to minimise disruption to the curriculum provision and to maintain and organise planned cover in classes, it is essential for Headteachers/Managers to know when an employee is unable to attend work due to illness. Failure by an employee, to inform their Headteacher/Manager of absence may lead to the absence from work being considered as unauthorised. This may lead to possible disciplinary action and may result in the suspension of pay.

### **4.2 Reporting Absence**

#### **4.2.1 When and how employees should report an absence**

If an employee is unable to attend for work due to illness, injury or other incapacity, the employee must contact their Headteacher/Manager (or their deputy) on the first day of absence prior to commencement of the school day to inform them of the absence and, where possible, to give an indication of the expected date to return to work. The employee should telephone personally unless circumstances prevent them from doing so. Only if the designated person (or their deputy) is unavailable should the employee leave a message with a colleague or other member of staff. The employee should be in daily/regular contact with their Headteacher/Manager thereafter.

Please be aware that due to the needs of a particular role, the Headteacher/Manager may make alternative reporting arrangements for employees. Employees should ensure that they are aware of such arrangements.

## **Procedures to inform Ysgol Bryn Alyn concerning illness/absence**

- Please contact the school or leave a message by 7.15 am at the latest. Failure to report an absence by this time will be classified as an unforeseen absence.
- All staff have the opportunity to report an absence/illness during out of hours by:
  - Contacting/leave a message Mrs Claire Evans on 01978 722141
- Please keep the school informed of developments regarding the illness/absence, and of a potential return date.
- Please do not send text messages or emails to inform the school of your absence – as they sometimes do not reach the intended recipient. A conversation is required so that any help and support can be offered if required.

### **4.2.2 Recording Absence**

The Headteacher/Manager will ensure Part A of the – Sickness Self Certification Form (SSP1) is completed and this is recorded on the agreed system by the nominated person within the school. All absences must be reported on the monthly absence reporting form which is submitted to the Council's Payroll Department.

Whilst the employee should be in routine contact with their Headteacher /Manager, if they are still unwell on day **four** of absence, the employee must contact their Headteacher/Manager to update him/her on the situation.

A "Fit Note" from a doctor is required for absences of more than **seven** calendar days (including weekends, bank holidays, rest days and non-working days) and the Headteacher/Manager should receive this by the **10<sup>th</sup>** day of absence. The employee should contact their Headteacher/Manager if there is a problem in meeting this requirement. A "Fit Note" is required for any absence from work exceeding **seven** days regardless of whether the employee is in receipt of Occupational or Statutory Sick Pay.

A "Fit Note" should always be submitted on a timely basis by the employee.

If the employee is absent from work for an extended period of time the Governing Body will expect the employee and the Headteacher/Manager to stay in contact with one another. The Headteacher/Manager should be sensitive to the employee's needs and the reason for the employee's absence and will agree contact arrangements suitable for the circumstances. These may include staying in contact by phone, writing or visiting the employee at home or in hospital. Arrangements for home visits will be made with prior consent. The Headteacher/Manager may also refer the employee to Occupational Health if the absence reasons/duration show cause for concern or when Occupational Health advice/support is required.

### 4.2.3 Annual Leave and Sickness Absence

If a member of non-teaching employee has a leave entitlement (e.g. support staff) and falls sick whilst on pre-planned annual leave they should contact their Headteacher/Manager following the process set out above.

If an employee reports sick either at the end of a term and then during the school holiday period and this is likely to last into the period when the school opens, they should contact their Headteacher following the process set out above. The employee will be regarded as being on sick leave from the date of the "Fit Note".

**The following paragraph is only applicable to non-teaching employees who have a leave entitlement.** If an employee has an annual leave entitlement they are entitled to take the balance of leave at a later date after returning to work. This would be agreed with their Headteacher/Manager. Annual leave will only be granted on submission of a "Fit Note". However, for absences of less than 7 days, a GP may charge.

### 4.2.4 Industrial Injury

All absence due to an accident at work must be reported to the Headteacher at the earliest possible opportunity (using the School's Accident Report Form). Failure to report accidents may affect entitlements to allowances. The Health and Safety Section monitor accident rates and must report serious accidents to the Health & Safety Executive.

## 4.3 The Role of the Occupational Health Service

Occupational Health will provide the School with advice on the nature of the employee's absence whether the employee is likely to return to work (prognosis), whether further medical assistance is required (e.g. physiotherapy, counselling) and any other information relevant to managing attendance at, or return to, work, e.g. reasonable adjustments, a phased return, etc.

In most circumstances, the decision to seek advice from the Occupational Health Service will be made by the Headteacher/Manager in consultation with Human Resources. The Headteacher/Manager should always discuss any proposed referral to Occupational Health with the employee and will provide the employee with a copy of the referral form that they submit (please see Section 4.7 and 4.8 for when referrals should be made), unless, in the case of a work injury or a stress-related illness, it is necessary to make an immediate referral.

In some circumstances an employee may, in consultation with Human Resources, self-refer to the Occupational Health Service for confidential professional advice relating to his/her own health or safety at work. However, with consent, it may be necessary to discuss the outcome with the Headteacher/Manager.

If Occupational Health advises the employee that they have a medical condition which may fall within the definition of the Equality Act 2010, the

Headteacher/Manager will take advice from the Occupational Health Service and Human Resources, as to what/if any reasonable adjustments should be made.

#### **4.4 Fitness for Work**

If the Headteacher/Manager is concerned about an employee's fitness to return to work safely or if a General Practitioner has stated that an employee can only carry out 'restricted duties', the employee will not normally be allowed to resume or undertake usual duties until Occupational Health advice has been received.

In cases where there is a disagreement in relation to an employee's fitness for work, between the Occupational Health Practitioner and a doctor, the Occupational Health Practitioner decision will take precedence and the Council will pay the employee in accordance with the Occupational Sickness Scheme until the employee is fit to resume normal duties, which may also include a phased return to work.

Any questions as to whether an employee who teaches or is in regular contact with children has the health or physical capacity to undertake prescribed activities shall be determined by the employer in accordance with The Education (Health Standards) (Wales) Regulations 2004. The prescribed activities are as follows;

- (a) planning and preparing lessons and courses for children;
- (b) delivering lessons to children;
- (c) assessing the development, progress and attainment of children;
- (d) reporting on the development, progress and attainment of children;
- (e) an activity which assists or supports teaching;
- (f) supervising, assisting and supporting a child;
- (g) an administrative or organisational activity which supports the provision of education; and
- (h) an activity which is ancillary to the provision of education.

In these circumstances the procedure at appendix 1 will apply

#### **4.5 Return to Work Meetings**

Following any absence from work due to illness, the Headteacher/Manager (or deputy) will carry out a return to work meeting with the employee as soon as possible upon the employee's return to work. This would usually take place within 5 working days. [<Link-Return to work meeting record>](#). This will be proportionate upon the nature of the absence and the frequency or pattern of absence. The purpose of the return to work meeting is to:

- Establish that the employee is well enough to return to work and that there are no undue risks for the employee, other employees or pupils/parents associated with the employee returning to work;
- Discuss the employee's recent absence in the context of the overall attendance record to explore any underlying issues, health or otherwise, that may be affecting the employee's ability to attend for work;

- Identify any problems which may be having an impact on the employee's attendance and which can be addressed by the Headteacher/Manager;
- Bring the employee up to date with what has happened whilst they have been away.
- If appropriate, inform the employee of any further action that will be taken, e.g., an Attendance Review Meeting.

The return to work meeting also provides an opportunity for the employee to discuss with the Headteacher/Manager any adjustments that may be needed to allow them to carry out their duties.

## **4.6 Managing Attendance at Work**

Headteachers/Managers should manage absence in a fair and consistent manner whilst at the same time being sympathetic to sometimes very sensitive issues regarding an employee's health and well being and personal circumstances.

The Headteacher/Manager has a responsibility to monitor attendance and will take action to identify unacceptable levels and patterns of absence. The Headteacher/Manager is encouraged to identify ways in which they can help or support employees to improve their attendance at work. This may involve a referral to the Occupational Health Service which the employee is required to attend.

It will be the responsibility of the Chair of Governors to manage the absence of the Headteacher, in liaison with the Local Authority

## **4.7 Short Term, Persistent or Frequent Absence**

### **4.7.1 Monitoring absence and the use of triggers**

Frequent short term absences are usually attributed to minor ailments, often unconnected. An employee may be absent for a week, or more often for single days. In some cases, a pattern can be identified.

In taking any action on frequent short term absences, a Headteacher/Manager must demonstrate that they have attempted to find out whether there is an underlying medical condition or other factors for the absence, both through discussion with the employee and, as appropriate, by referral to the Occupational Health Service.

The use of triggers allows the School to monitor the levels of absence across the School to ensure that action is taken in a consistent and appropriate manner. In providing some guidance on acceptable levels of attendance, the School uses triggers to highlight levels of absence which may be becoming unacceptable. In addition to ongoing monitoring, as best practice, Headteachers/Managers are encouraged to calculate an employee's 'Repetitive Absence Factor' (explained below), annually and to discuss attendance with employees regularly. The Headteacher/Manager will discuss with employee's attendance, any potential underlying issues, support

employees may require and explain the contents of the Policy and impact of any further absence.

A number of triggers will be used to monitor this type of absence:

#### 4.7.2 **Frequent – number of absence**

The formula, known as the 'Repetitive Absence Factor' is identified as 'the number of spells of absence in a particular period squared.

##### ***Example 1***

*An employee has 2 occasions of absence totalling 10 days –*

$$2^2 \times 10 = 4 \times 10 = 40 \text{ points}$$

##### ***Example 2***

*An employee is absent on 10 occasions, each lasting one day, totalling 10 days' absence*

$$10^2 \times 10 = 100 \times 10 = 1000 \text{ points}$$

In other words, despite the fact that both employees had taken the same number of days off in total, the employee who took more frequent spells of absence, scored substantially more points.

#### 4.7.3 **Frequent – patterns of absence**

A Headteacher/Manager will review common patterns e.g., an employee is noted to have frequent Monday's off, the day before the start of school holidays, an employee has frequent absences.

#### 4.7.4 **Frequent – cumulative amount of absence**

Absence totalling 5 occasions or more will be monitored over a **rolling period** of 12 months.

#### 4.7.5 An employee's record should be reviewed upon them attaining a score of 300 "Repetitive Absence Factor' or more.

Following an employee's absence as part of the Return to Work interview the Headteacher/Manager will calculate the employees 'Repetitive Absence Factor'. If a score of 300 or more is identified the Headteacher/Manager will arrange an Absence Review meeting to discuss this.

### **4.8 Long Term Absence**

Long term absence is regarded as any absence where an employee is away from work for a period of four weeks or more. This can be distinguished from frequent short term absence in that it is continuous and/or can be traced to an underlying medical condition.

If an employee is absent, or are likely to be absent, for a period of four weeks or more, and the information below has not already been established, in particular the potential return to work, the employee should be referred to the Occupational Health Physician. The purpose of this referral is to:

- Obtain information regarding the implications of the medical condition and the employee's ability to attend for work
- Establish an expected return to work date
- Allow Occupational Health the opportunity of providing additional support and guidance during the employee's absence and regarding the return to work.

An immediate referral should be made if the cause is stated as 'stress'. However, it is important that the circumstances surrounding this are considered, e.g. whether support is being provided by their GP, is it work related. The Headteacher/Manager will also discuss any referral with the employee.

It is important that the School via a designated person keeps in contact and meets with the employee during this period. Contact will be informal to assess how the employee is progressing and whether a return to work is imminent. At this meeting the Headteacher/Manager will provide:

- Reassurance
- Identify any help or guidance which can be offered
- Keep the employee in touch with what is happening in work
- Advise, as necessary, of any referral to Occupational Health

Meetings normally take place in the workplace, but in exceptional circumstances, may be undertaken at the employee's home, or an alternative agreed location.

Following the advice of Occupational Health, the Headteacher/Manager will arrange to meet with the employee to discuss the matter further.

## **4.9 Attendance Review Meetings**

### **4.9.1 Stage 1 – Informal (Review meeting 1)**

The Headteacher (or designated person) will meet with the employee when they have concerns about absences as described in 4.7 and 4.8. Prior to an Attendance Review meeting (Stage 1), the Headteacher must ensure that they have all the background information necessary. This will include:

- The number of days lost and the number of separate occurrences
- Reasons for absence
- Any obvious pattern
- Were any of the absences certified by a "Fit Note"
- Is there any change in domestic arrangements?

The purpose of this review meeting will be:

- For the employee and Headteacher to explore the reasons for the absence from work and to identify any underlying issues that may need to be addressed.
- To discuss any support or guidance that may be given including a referral to Occupational Health if appropriate.
- To explain the impact of the employee's absence on the rest of the team/service.
- To agree actions regarding how the employee can improve their attendance and suggested targets as appropriate.
- To make it clear that a failure to improve attendance at work may lead to formal action being taken against the employee, up to and including the termination of employment.
- To set a date for a further review of the employee's attendance record. This will be up to a maximum of three months after the first Attendance Review Meeting. If repeated absences have taken place in the preceding term, the review should discuss action necessary to improve attendance in the next term.

The Headteacher/Manager will write to the employee to confirm the outcome of this meeting capturing the employee's responses and any agreed actions, review or monitoring periods.

### **Stage 1 Informal (Review meeting 2)**

If, at the next review, the employee's attendance has improved then the Headteacher/Manager will discuss with the employee, and how this improvement can be sustained and will agree in writing an appropriate monitoring process with the employee. However, if the employee's attendance does not improve, the Headteacher will escalate the attendance management procedure to Stage 2 - a Formal Review meeting.

#### **4.9.2 Stage 2 – Formal review meeting**

The Headteacher should write to the employee inviting them to attend this Stage 2 meeting, giving the employee at least 5 working days notice and informing them of the right to be accompanied by a Trade Union representative or work colleague. If not already obtained, an Occupational Health report should be obtained prior to this meeting.

The same criteria will be followed as in Stage 1 with the addition of a member of Human Resources can also be invited to attend this meeting.

The purpose of this meeting is to:

- Reaffirm the issues discussed at the Stage 1 meeting/s

- Consider any additional information from Occupational Health
- Identify support provided to the employee and any other appropriate support that can be offered
- To formally warn the employee that the unsatisfactory attendance may lead to dismissal unless a sufficient improvement can be achieved
- To agree a timescale and action plan for improvement, and confirmed in writing to the employee.
- Consider whether it is unlikely that there will be the required improvement in attendance, in these cases then the Headteacher may refer the matter to the Governing body,
- Consider if there is a capacity issue as per the Education (Health Standards) (Wales) Regulations 2004 then the procedure in Appendix 1 will be followed

Personal circumstances to consider are

- The employee's previous attendance record/length of service
- Are there any personal/domestic problems?
- The demands of the post and the importance of the position to the school
- Does the employee wish to continue with their employment?

The employee may accept the management's/medical adviser's view that medical retirement/termination of employment is the appropriate course and arrangements can be made accordingly.

In cases where mutual agreement is not reached a **4.9.3 Stage 3 - Formal Hearing** should be convened as described below.

### **4.9.3 Stage 3 – Formal Hearing**

If following the Formal Stage 2 review and monitoring there has been no improvement, or that an improvement in the future is unlikely, a formal hearing will be arranged, which will be conducted by a committee of the Governing Body (Absence Review Committee). This will be a panel of at least 3 governors (this will NOT include the Chair of Governors)

The employee will be informed in writing of the hearing and will be given 10 working days notice (the principles, format and timescales applied in this procedure are in line with the School's Disciplinary Policy) and informed of the right to be accompanied by a Trade Union representative or work colleague.

The purpose of this Hearing is to:

- Consider the employee's attendance record, including any medical reports
- Review the action taken to date and hear the employee's response
- To agree an action plan for improvement if appropriate including any reasonable adjustments, or consideration of other suitable alternative employment

- Reach a decision about appropriate action, this may include further medical report, final warning or dismissal

#### 4.9.4 Appeals

If the employee wishes to appeal against the dismissal decision of the Governing Absence Review Committee, they must write to the Headteacher/Chair of the Governing Body within **ten** working days of receiving written notification of dismissal. Appeals will be dealt with in accordance with the principles, format and arrangements set out in the School's Disciplinary Policy.

The appeal will be heard by an Absence review appeal committee. This committee will comprise of no less than three governors (to be quorate) with no previous involvement in the case. The Appeals committee will appoint a Chair to conduct the proceedings and support/advice will be provided by appropriate LEA/HR/Legal representatives.

#### 4.10 Phased Return to Work

Following a prolonged illness or after surgery or whilst recovering from an injury it may be appropriate to discuss options for phased return.

If an employee's fit note states a return to work on a phased-return basis or on the recommendation of Occupational Health, the Council will support this phased return to work by paying the employee's normal salary for a maximum period of four weeks. In exceptional circumstances, a phased return may be extended to a maximum of six weeks on the recommendation of Occupational Health and with the agreement of a Headteacher/Manager. Additional to this in exceptional circumstances this may include in part home working (where it is practical to do so and the role permits this) on the advice of Occupational Health and in agreement with the Headteacher/Manager. However, if this becomes necessary, the employee may need to negotiate a temporary reduction in contracted hours or if the employee has a set leave entitlement in the case of support staff may use leave/flexi days to reduce the working hours if appropriate.

#### **Support for phased return/direct cover for teaching and learning support**

**A supported phased return** will usually be used in circumstances when the employee has had a period of prolonged illness of at least 8 weeks, is recovering from an injury or operation, or their fit note recommends a phased return. <see fit note guidance> The individual absence circumstances would need to be considered in relation to their role. Occupational Health are available to advise on any adjustments to return to the workplace.

**The purpose of a phased return** is to make some minor adjustments to the working pattern to support the employee back into the workplace. This very much depends on the reason for the absence. Someone who has had a very long period due to anxiety/stress, may seek up to a 4-week period, to have a supported return and adjust back into the workplace. Whilst someone who is recovering from an operation, may seek a shorter period.

The period would need to be discussed to assess what will ease the transition back to the work place and support a full return to work as soon as possible, balancing the individual needs of the employee and the practical, curriculum needs of the school.

**Cost of Supply cover.** Up to a maximum of 5 full-days supply cover may be requested to support a 4-week period for direct cover for teaching and teaching support (following discussion with HR Officer and consideration of Occupational Health advice) on the return to work). If a longer period is requested by the school, or more than 5 full day cover is requested, the school budget will cover the cost of the additional days.

In exceptional circumstances, the Authority may consider support of up to 10 full-days for a longer support return, by agreement, this will require discussion and approval via HR Officer in advance of the employee being informed.

#### **4.11 Managing Long Term Relating to Disability**

If an employee is on long term absence with a medical condition as specified under the Equality Act 2010, the employee should keep the Headteacher/Manager informed so that this can be taken into account and adjustments considered and made where possible. The Headteacher/Manager will keep in touch with the employee (as per Long-term Absence above). Where possible, timescales for referral and meetings will take place as usual, with advice obtained from Human Resources, and adjustments made as necessary.

##### **4.11.1 Making reasonable adjustments**

The Equality Act 2010 places a duty on the Council to make reasonable adjustments to employment arrangements and/or premises to accommodate the needs of an employee who has a disability.

The Equality Act says a person is disabled if they have “a physical or mental impairment which has a substantial and long-term adverse effect on a person’s ability to carry out normal day-to-day activities”.

A ‘reasonable’ adjustment may include:

- Allowing an employee to work reduced or different hours
- Allowing an employee to work partly from home
- Changing an employee start and finish times to accommodate travel arrangements
- Providing specialist equipment or auxiliary aids
- Flexible working ([link](#))

If an employee has a disability that may affect attendance at work, the employee should inform their Headteacher/Manager and discuss their individual needs so that the Headteacher/Manager may work with the employee to support attendance. If the employee discloses that they have a disability, this will help the Headteacher/Manager to support them. This information will not be used for any other purpose.

Where it is likely that an employee is unable to return to their normal duties, to facilitate a return to work, reasonable adjustments will be discussed so that these can be put in place prior to a return, and a risk assessment undertaken.

Where all reasonable adjustments have been made, and the employee is still unable to return to their substantive post, then consideration will be given to applying the School's Redeployment Procedure.

Under the Equality Act 2010 carers are protected from discrimination by virtue of their caring association to a disabled person. It is advisable to employees to ensure a Headteacher/Manager is advised of any caring responsibilities if this is likely to affect an employee's attendance.

#### **4.12 Incapacity and Ill Health Early Retirement**

If an employee is a member of the Clwyd Pension Scheme or the Teachers Pension Scheme, the employee may be eligible for early retirement on the grounds of ill-health, if it is determined by Occupational Health, and if the employee meets the criteria set out in the Local Government Pension Scheme or by application to the Teachers Pension scheme. As the criteria and regulations of the Schemes are subject to change, current financial information regarding this benefit can be obtained from the Payroll and Pensions Manager for the Clwyd Pension Scheme or from Teacher Pension agency for Teachers.

#### **4.13 Absence for other reasons**

From time to time absence from work may be due to other reasons - for example for reasons connected to domestic abuse or gender reassignment. It is important that people are treated fairly and in accordance with equality and human rights laws. It is important to treat people sensitively and take into account any mitigating circumstances that may put certain groups of people at a disadvantage compared to others. Managers should pay particular attention to the need to safeguard people's personal information and where information should only be shared with a third party with the benefit of the express consent of the member of staff concerned.

##### **Domestic Abuse**

Domestic abuse is best described as the use of physical and or emotional abuse or violence, including undermining of self confidence, sexual violence or the threat of violence, by a person who is or has been in a close relationship. Anyone can be the victim of domestic abuse and it can take many forms. Domestic abuse affects people in their place of work and can result in absenteeism, decreased productivity and poor performance. It can also lead to unhealthy stress levels of employees that may affect their overall health.

Employees are encouraged to advise their Headteacher/manager if they are experiencing domestic abuse and discuss the support they may need at work. Managers, once aware of the underlying causes of the absence, should take this into account when taking steps to manage absence and apply this and other relevant policies. School's may want to refer such issues to the Council's HR team for further advice and guidance.

## Gender Reassignment

Gender reassignment (the process of moving from one's birth gender to the preferred gender) is a protected characteristic under the Equality Act 2010, the Act recognises that this is a social rather than a medical process. Protection under the Act is in place regardless of where a person is in the transitioning process, how long it takes and whether or not the person is undergoing, has undergone or is planning to undergo medical treatment.

People going through gender reassignment will be treated sympathetically and in accordance with existing sickness and other relevant HR policies.

Employees are encouraged to discuss the support they need at work with their Headteacher/manager. Headteachers/managers should note that there is no requirement for the employee to disclose their status or intention to change gender.

School's may want to refer such issues to the Council's HR team or Equality Manager for further advice and guidance.

## Carers

Under the Equality Act 2010, Carers are protected from discrimination by virtue of their caring association to the disabled person. It is advisable to ensure that an employee's Headteacher/Manager is aware of any caring responsibilities and its possible impact on attendance.

Pregnancy-related If absence is pregnancy-related, please can the Headteacher/Manager and or employee contact Human Resources for advice.

### 4.14 Redeployment – medical reasons

If circumstances result in the need to consider redeployment or where redeployment has been recommended or requested, in consultation with the Headteacher in liaison with Human Resources team, the employee will be considered for redeployment initially in the school if possible or placed on the Council's Redeployment Register.

## 5. Responsibilities

**Employees:** All employees are required to adhere to the terms and conditions of this policy, and to seek clarification where necessary from their Headteacher/Manager in the first instance.

**Headteachers/Managers:** Are responsible for ensuring that this policy is consistently applied within their school/department area.

**Trade Unions:** Recognised Trade Union representatives will be consulted with on the refinement of School model policy, providing feedback and checking for understanding and ease of use. They are available to support their members where appropriate. The WTJNC will be used for this purpose.

**Human Resources:** Human Resources is responsible for creation, development, improvement and refinement of this policy and ensuring policy undergoes regular reviews and updates in line with Legislation and best practice. Human Resources will provide advice and guidance on the application of the Policy and where specific responsibilities are outlined within.

**Head of Lifelong Learning:** The Head of Lifelong Learning will have overall responsibility for this policy and will recommend for approval by the Governing Body.

## 6. Records

Where a matter is heard at an Attendance/Disciplinary/Capability Hearing, records will be kept by the school, detailing the nature of the allegations, the School's response and the outcome. Details of these will also be kept on file by Human Resources, who will ensure the records are held in accordance with the Data Protection Act 1998.

## 7. Monitoring & Review

The Head of Corporate & Customer Service will also be responsible for making arrangements for the capture of statistical data relating to this policy and will ensure the appropriate use of such information for monitoring purposes.

## 8. Training & Support

Training will be provided to ensure that those with management responsibility for employees are clear about the policy, the procedures contained within it and their own responsibilities.

### 8.1 Associated Policies

School Model [Disciplinary Policy & Procedures](#)

[http://www.internal.wrexham.gov.uk/intranet/assets/word/schools/disciplinary\\_procedures\\_aug07.doc](http://www.internal.wrexham.gov.uk/intranet/assets/word/schools/disciplinary_procedures_aug07.doc)

School Model Capability Policy

[http://www.internal.wrexham.gov.uk/intranet/assets/word/schools/capability\\_procedures\\_teachers.doc](http://www.internal.wrexham.gov.uk/intranet/assets/word/schools/capability_procedures_teachers.doc)

**9. Education Regulations - The Education (Health Standards) (Wales) Regulations 2004**  
<http://www.legislation.gov.uk/wsi/2004/2733/contents/made>

## **Procedure for application of the Education (Health Standards) (Wales) Regulations 2004**

If it is considered at the formal review meeting that there is a capacity issue as per the Education (Health Standards) (Wales) Regulations 2004 (The Regulations), then the matter shall be referred to the Governing Body. A formal hearing will be arranged, which will be conducted by a committee of the Governing Body (Absence Review Committee). This will be a panel of at least 3 governors

The employee will be informed in writing of the hearing and will be given 10 working days notice (the principles, format and timescales applied in this procedure are in line with the School's Disciplinary Policy)

The designed LA officer (HR) or in the case of the Headteacher, a designated LA Officer (Head of Lifelong Learning, Link Officer and/or HR) shall have the right to attend to advise.

The employee has the right to submit medical evidence and make representations to the Governing Body. The employee also has the right to be accompanied by colleague or Trade Union representative if he/she so wishes.

The Governors will consider and discuss

- the medical evidence available as per the Regulations,
- provide the employee with the opportunity to respond to the facts,
- have regard to any advice given by the Local Authority regarding their responsibilities as an employer under the Regulations

If the Governors determine, having considered the above, that the employee is incapable of fulfilling their contract by virtue of ill health and the employment then their contract will be terminated.

The employee will be served notice of dismissal in accordance with the contractual periods of notice for teachers and local government employees.

The employee has the right to appeal the arrangements for this are set out below.

### **Appeal under the Education (Health Standard) regulations**

If the employee wishes to appeal against the dismissal decision of the Governing Absence Review Committee, they must write to the Headteacher/Chair of the Governing Body within **ten** working days of receiving written notification of dismissal. Appeals will be dealt with in accordance with the principles, format and arrangements set out in the School's Disciplinary Policy.

The appeal will be heard by an Absence review appeal committee. This committee will comprise of no less than three governors (to be quorate) with no previous involvement in the case. The Appeals committee will appoint a Chair to conduct the proceedings.

The designed LA officer (HR) or in the case of the Headteacher, a designated LA Officer (Head of Lifelong Learning, Link Officer and/or HR) shall have the right to attend to advise. The Governors shall have regard to any advice given before determining the appeal.